

## Federal Trade Commission

## § 241.4

- 241.14 Deceptive endorsements, testimonials, and awards.
- 241.15 Bait advertising.
- 241.16 Guarantees, warranties, etc.
- 241.17 Deceptive pricing.

AUTHORITY: 38 Stat. 717, as amended; 15 U.S.C. 41-58.

SOURCE: 34 FR 3619, Feb. 28, 1969, unless otherwise noted.

### § 241.1 Definitions.

For the purpose of this part the following definitions shall apply:

(a) *Industry product* means a food for dogs or cats and includes all types of dry, semimoist, frozen, canned, and other commercial foods manufactured or marketed for consumption by domesticated dogs or cats. The term also includes special *candy* for such dogs and cats but does not include animal medicines or remedies.

(b) *Industry member* means a person, firm, corporation, or organization engaged in the importation, manufacture, sale or distribution of an industry product.

(c) *Ingredients* are the constituent materials making up a food for dogs or cats. Except as otherwise prescribed in this part the names and definitions of ingredients adopted by the Association of American Feed Control Officials will be used in the administration of this part, except that with respect to products which have been certified by the Department of Agriculture under the provisions of 9 CFR 355.1-355.42, the definitions set forth in those regulations will be used. [Guide 1]

### § 241.2 Misuse of terms.

Industry products and their respective ingredients should be identified and designated in accordance with the provisions of paragraph (c) of § 241.1 of this part, or if no name or definition has been established for an ingredient, it should be designated or identified by its common or usual name. The names of ingredients should not be used in advertising, labeling, brand or trade name, or otherwise, so as to misrepresent directly or by implication the identity of an ingredient or the composition of an industry product. [Guide 2]

### § 241.3 Misrepresentation in general.

Industry members should not use or cause or promote the use of any promotional materials, advertising, labels, insignia, brand or trade names which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers:

(a) With respect to the composition, substance, content, identity, quantity, appearance, consistency, form, shape, color, flavor, cost, value, origin, grade, quality, suitability, nutritional properties, methods of manufacture, manner of processing, or novelty of an industry product or ingredient thereof; or

(b) In any other material respect. [Guide 3]

### § 241.4 Misrepresenting composition, form, suitability, or quality in labeling.

An industry member should not use on the label of an industry product a statement of identity, vignette, or any other representation, pictorial or otherwise, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the composition, form, suitability, quality, color, or flavor of the product or any of its ingredients. More specifically:

(a) A label should contain sufficient information to enable a purchaser or prospective purchaser to determine the nature and composition of the product and the purposes for which it is suitable. As a prospective purchaser usually cannot ascertain by inspection whether an industry product will satisfy all of the nutritional requirements of a dog or cat, labeling respecting a product which is suitable only for particular purposes, e.g., as an intermittent or supplemental food, a special food for puppies, a protein supplement, or as a maintenance food for mature dogs, or is otherwise not a complete food, should not contain direct or implied representations which are misleading with respect to the purposes for which the product is suitable. To avoid misleading prospective purchasers in this respect it is generally necessary to disclose clearly and conspicuously the